

Honorable August B. Landis  
United States Bankruptcy Judge



Entered on Docket  
February 24, 2016

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**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

In re: ) Case No.: 16-10460-ABL  
 )  
Tatuado Hospitality Management Group, ) Chapter 11  
LLC, )  
 ) Hearing Date: February 11, 201  
Debtor. ) Hearing Time: 10:30 a.m.  
 )

**ORDER GRANTING, IN PART, THE DEBTOR'S MOTION PURSUANT TO  
11 U.S.C. §§ 105(a), 363(b), AND 503(b) AUTHORIZING, BUT NOT DIRECTING,  
THE DEBTOR TO PAY PREPETITION CLAIMS OF CRITICAL VENDORS**

Upon the motion (the “**Motion**”)<sup>1</sup> of the above-captioned debtor and debtor in possession (the “**Debtor**”) for the entry of an order authorizing, but not directing, the Debtor to pay that certain prepetition claim of those critical vendors (the “**Critical Vendors**”) indicated on **Exhibit A**, attached hereto, as a critical vendor pursuant to sections 105(a), (363(b), and 503(b) of the Bankruptcy Code; and the Court having jurisdiction to consider the Motion and

<sup>1</sup> Any capitalized terms not expressly defined herein shall have those meanings ascribed to them in the Motion.

1 the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration  
2 of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §  
3 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and  
4 due and proper notice of the Motion having been provided, and it appearing that no other or  
5 further notice need be provided; and the Court having considered the Motion and having held a  
6 hearing on the same and having determined, based on the parties representations on the Record  
7 and proposed modifications to the order; and good and sufficient cause appearing therefore, it  
8 is hereby:

9                   **ORDERED** that the Motion is **GRANTED** in part, except as modified herein  
10 and on the Record at the February 11, 2016 hearing on the Motion; and it is further

11                   **ORDERED** that the Debtor is authorized, but not directed, in its business  
12 judgment and sole discretion, to pay the prepetition claims of the Critical Vendors, as modified  
13 and set forth in the supplemental declaration of Michael Tsunis (Docket No. 62), subject to the  
14 conditions provided herein; and it is further

15                   **ORDERED** that the Debtor is only authorized to pay the prepetition claims of  
16 those Critical Vendors listed on **Exhibit A**, attached hereto, and no other vendors or payments  
17 are authorized under this Order; and it is further

18                   **ORDERED** that the payment of any prepetition claims of the Critical Vendors  
19 is conditioned upon such Critical Vendor providing terms as the Debtor deems necessary, in  
20 the Debtor's sole discretion, to ensure that each Critical Vendor will continue to supply the  
21 Debtor after the Petition Date in accordance with the normal trade terms that existed prior to  
22 the Petition Date, or on such other terms and conditions that the Debtor determines are  
23 reasonably acceptable under the circumstances; and it is further

**ORDERED** that the payment of any prepetition claims of Critical Vendors is also conditioned upon such Critical Vendor providing new value to the Debtor in the form of goods, which value equals at least the amount of such Critical Vendor's prepetition claim against the Debtor that is actually paid under this Order; and it is further

**ORDERED** that if any Critical Vendor ceases to supply the Debtor after the Petition Date in accordance with the normal trade terms that existed prior to the Petition Date, or on such other terms and conditions that the Debtor determines are reasonably acceptable under the circumstances, then any amounts paid to such Critical Vendor on account of its prepetition claim are subject to: (i) disgorgement; and (ii) avoidance under 11 U.S.C. § 549 and recovery under 11 U.S.C. § 550 by the Debtor or other authorized estate representative; and it is further

**ORDERED** that the Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion; and it is further

**ORDERED** that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Submitted by:

**APPROVED/DISAPPROVED**

## SCHWARTZ FLANSBURG PLLC

## Office of the United States Trustee

By: /s/ Samuel A. Schwartz  
Samuel A. Schwartz, Esq., NBN 10985  
6623 Las Vegas Blvd. South, Suite 300  
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Proposed Attorneys for the Debtor

By: /s/ Athanasios Agelakopoulos  
Athanasios Agelakopoulos, Esq.  
300 Las Vegas Blvd. South, Suite 4300  
Las Vegas, Nevada 89101  
Attorneys for the Office of the United  
States Trustee

1 APPROVED/DISAPPROVED

2 Christensen, James & Martin

3  
4 By: /s/ Wesley Smith  
5 Wesley Smith, Esq.  
6 Kevin Archibald, Esq.  
7 7440 W. Sahara Avenue  
8 Las Vegas, Nevada 89117  
9 Attorneys for Culinary Trust Funds

10 APPROVED/DISAPPROVED

11 Goold Patterson

12 By: /s/ Jeffrey D. Patterson  
13 Jeffrey D. Patterson, Esq.  
14 1975 Village Center Circle, Suite 140  
15 Las Vegas, Nevada 89134  
16 Attorneys for Wray-Al Properties, LLC

17 APPROVED/DISAPPROVED

18 Adam Paul Laxalt  
19 Nevada Attorney General

20 By: /s/ Alycia K. Hansen  
21 Alycia K. Hansen, Esq.  
22 555 E. Washington Ave., Suite 3900  
23 Las Vegas, Nevada 89101  
24 Attorneys for State of Nevada  
25 Department of Taxation

1 **SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**

2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):  
4

5  The court has waived the requirement set forth in LR 9021(b)(1).  
6

7  No party appeared at the hearing or filed an objection to the motion.  
8

9  I have delivered a copy of this proposed order to all counsel who appeared at the  
10 hearing, and any unrepresented parties who appeared at the hearing, and each has  
11 approved or disapproved the order, or failed to respond, as indicated below [list each  
12 party and whether the party has approved, disapproved, or failed to respond to the  
13 document]:  
14

15  I certify that this is a case under Chapter 7 or 13, that I have served a copy of this  
16 order with the motion pursuant to LR 9014(g), and that no party has objected to the  
17 form or content of this order.  
18

19 APPROVED: Athanasios Agelakopoulos, Esq.; Wesley Smith, Esq.  
20 Alycia K. Hansen, Esq.; Jeffrey D. Patterson, Esq.  
21

22 DISAPPROVED:  
23

24 FAILED TO RESPOND:  
25

26 Submitted by:  
27

28 SCHWARTZ FLANSBURG PLLC  
29

30 By: /s/ Samuel A. Schwartz  
31

32 Samuel A. Schwartz, Esq., NBN 10985  
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# # #

**Exhibit A**

<b><u>Critical Vendor Name</u></b>	<b><u>Pre-Petition Amount Owed</u></b>
Bonanza Beverage Company	\$3,500.00
Nevada Beverage Company	\$4,000.00
Southern Wine and Spirits	\$7,500.00
Johnson Brothers of Southern Nevada	<u>\$4,000.00</u>
<b>Total:</b>	<b>\$19,000.00</b>